

SN. 10/016,682

ATTORNEY DOCKET NO. CANO:039

REMARKS

Claims 1-18 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 1, 4, 7, 15, 16, and 18 have been amended to improve their form and clarity. Independent claims 7 and 18 merely have been amended to positively recite the processor/processing module that was already recited in the claims.

Independent claims 1, 15, and 16, as previously presented, each called for processing input image data so that the image represented by the image data has a predetermined size before processing the data for facsimile transmission. Applicants thus previously argued that Misawa would not have disclosed or taught altering the size of the image represented by the image data to match a predetermined size before processing the data for facsimile transmission, as set forth in independent claims 1, 15, and 16. The examiner argues that these claims do not explicitly recite altering the image size based on the type of transmission selected. In this respect, for clarity, independent claims 1, 15, and 16 have been amended so that their scope is commensurate with the previous argument, namely positively reciting --to alter the size of the image represented by the input image data to match the predetermined size for transmission by facsimile if the image represented by the input image data is smaller than the predetermined size--, similarly as set forth in independent claims 7, 17, and 18. Since applicants have already argued this aspect of the invention, applicants submit that this feature would not introduce any new issue. Accordingly, applicants urge the examiner to enter this amendment.

No new matter has been introduced.

Art Rejection

Claims 1-3, 6, 15, and 16 stand rejected under 35 U.S.C. § 102(e) as anticipated by Misawa (USP 6,771,382). Claims 13 and 14 stand rejected under § 103(a) as unpatentable over Misawa. Claims 4, 7-12, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa in view of Kim (USP 6,268,937). Finally, claim 5 stands rejected under § 103(a) as unpatentable over Misawa in view of Morigami (USP 6,057,934). Applicants traverse these rejections at least to the extent that the combination (Misawa and Kim) urged by the examiner would not have been tenable.

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Misawa discloses a communication apparatus having both the facsimile transmission unit 14 and the email transmission unit 17. A CPU 11 compares the size of image data to be transmitted with a previously set reference value. When the image data size exceeds the reference value, the image data is transmitted via the facsimile transmission unit, while when the image data size does not exceed the reference value, the image data is transmitted via the email transmission unit 15. See column 5, lines 16-26, the paragraph spanning columns 5-6, and column 6, lines 13-29. Misawa discloses automatically selecting either the facsimile transmission unit or the email transmission unit exclusively depending upon the image data size. Misawa does not disclose or teach altering the image data size based on the type of transmission selected. Accordingly, Misawa would not have anticipated or taught the invention set forth in independent claims 1, 7, and 15-18 within the meaning of §§ 102, 103.

Independent claims 1, 7, and 15-18 each call for altering the input image data size to a predetermined size when the input image data size is smaller than the predetermined size for facsimile transmission. In rejecting such claims, the examiner relied upon Misawa in combination with Kim for the proposition that enlarging the image data to a predetermined size to cause the document to correspond to a standard or non-standard size would have been obvious, relying on the passage set forth in column 5, lines 31-37, of Kim.

Applicants previously argued that Misawa would have taught away from resizing the input image data since Misawa explicitly calls for using the image size itself to select the transmission type. The examiner essentially counters that altering the size of the image representing the image data after selecting the transmission by a facsimile is independent of the selecting procedure. Thus, the examiner argues that the combination would have been proper.

Applicants disagree. Applicants submit that the combination urged by the examiner, namely altering the image size after the transmission method has been selected, would have been untenable because Misawa explicitly teaches selecting the transmission method based on the image size. Although altering the size of the image takes place after selecting the transmission, altering the image size would defeat the purpose of making the transmission selection based on the image size. One of ordinary skill in the art would not have been motivated to alter the image size after making the transmission selection that is exclusively based on the image size. Indeed, the examiner's argument is akin to selecting the facsimile transmission if the image is in color and selecting the email transmission if the image is in monochrome, and after the facsimile transmission is selected for a color image, converting the color image to monochrome. It would simply destroy the operating principle of Misawa to

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modify in the manner taught by Kim. Accordingly, the combination would not have been tenable.

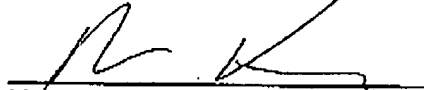
Morigami was relied upon for the proposition that using different gamma values to produce image data would have been known. Even if Morigami were to be properly combinable, it would not have alleviated Misawa's shortcomings noted above.

Conclusion

Applicants submit that claims 1-18 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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